

FREMONT BOARD OF SELECTMEN**17 APRIL 2008****APPROVED 04/22/2008**

At 6:05 pm Gene Cordes called the Board's meeting to order in the basement meeting room at the Fremont Town Hall. Present were Selectmen Gene Cordes and Joe Dreyer; and Town Administrator Heidi Carlson.

OLD BUSINESS

1. Selectmen reviewed the minutes for 08 April 2008. Dryer moved to approve them as written. Cordes seconded and the vote was unanimously approved.
2. Selectmen had reviewed the scope of work for Town Hall basement renovations written by Thom Roy and Architect David Gleason. Neither had brought a copy with them. Selectmen agreed they will make either written or typed comments and forward the documents back, and follow-up can occur next week. There was discussion about removing the underground oil tank up in conjunction with the renovations.
3. There was discussion and further review of the North Road scope of work, and Carlson provided follow up on the engineering meetings held on Monday this week and Friday of last week.

The Scenic Road Public Hearing needs to be held with the Planning Board, but the Selectmen decided to wait on this until more plans were in place as to the full scope of work. The Board also asked if Guerwood Holmes had presented a list of any other work to be done on the road this year. Holmes has not yet submitted that list.

The Selectmen felt that the last tree should be removed as it is too close to the travel way. They discussed blasting the ledge at the curve and moving the road over to the other side, to including putting in a catch basin and creating a drainage area. The Board feels it is important to know where the right-of-way is, and decided to keep the scope of work as previously drafted. The final copy of the scope will be forwarded to the two engineers, and a copy will be sent to the Millers.

Selectmen also discussed other alternatives that may be possible in this area. Carlson had done extensive research into the Town's North Road file, the Planning and Zoning files, and made contact with the Town Historian, who had some photographs that were shared with the Board, and a tape that has not yet been viewed, which included a section on North Road, taped in the late 1980's. The photographs show the mid-section of wall much as it is today, with none of it above the road, or even visible from the road. The beginning, near driveway #61 is above grade level, and a small part further down is also, much as it looks today.

4. In follow-up to the McRae Barn Discretionary easement, Carlson had done a lot of work this week, looking into the statute, and contacting other towns for format and process information. The Towns of Lyme and Lyndeboro have a checklist-type form, and Selectmen thought that the checklist was helpful to guiding the process, and the evaluation criteria from both towns should be combined, as well as seeking out any additional information.

Selectmen were open to scheduling a public hearing for May 22, which would work with the landowner's schedule. This will be published in the May Newsletter. The Board discussed using the easement worksheets and conducting a site visit to review the property and "grade" it in terms of the outlined criteria. They would do this earlier in May than the scheduled public hearing.

5. Selectmen reviewed follow-up information from Thom Roy regarding his questions on the newly adopted Sign Ordinance and its enforcement. Selectmen read through a list of questions from Thom Roy and added their own as well.

Selectmen indicated that they do not want to get into enforcement of signs placed on utility poles, and they do not want to deal with any sign on private property by removing them. If something is very temporary such as a yard sale or party signs, they did not want to get into prolonged enforcement either. They did discuss removal of or action pertaining to the longer term signs, like hottubs for sale (which are up with frequency and for some duration).

The Board indicated that after we have lived with the new ordinance for six months or so, it would be helpful to sit down and review it with the Planning Board to discuss what works and what should be reworked if it is not working. The general feeling is that the Selectmen are concerned about how to enforce this ordinance and are looking at practical avenues to focus enforcement activity on.

6. Code Enforcement Officer Thom Roy reported back to the Board that there has been no action on the part of the Sawyers regarding junk on the Lyford Drive property. The Board decided to have the matter forwarded to Town Counsel by Roy as earlier discussed. Cordes moved to refer it to counsel for action based on all former reports and action by the Code Enforcement Officer. Dreyer seconded and the vote was unanimously approved.

7. Selectmen reviewed additional follow-up information from the Code Enforcement Officer Thom Roy regarding the Gaudet property (07-101) at 16 Sunny Lane. Mr Gaudet has not taken any action to complete the removal of the building as he had earlier agreed. The letter this evening was agreeable to the Board and it was signed after a clean copy was printed. This gives Mr Gaudet 90 days or until July 30, 2008 to have the building removed.

8. Carlson asked the Board about a final review of the draft Wage Study. Selectmen indicated they would pick a date when time can be identified to sit down and review the data and ask questions. This was slated as an action item for May 8, 2008.

At 7:00 pm there were no Department Heads present.

NEW BUSINESS

1. Selectmen reviewed the payroll manifest \$19,129.60 and accounts payable manifest \$19,624.57 dated 18 April 2008. Motion was made by Dreyer and seconded by Cordes to approve both manifests. The vote was unanimously approved.

2. In keeping with the decision made at the Board's meeting of 08 April 2008, Selectmen reviewed the accounts payable manifest in the amount of \$37,190.47 dated 11 April 2008 for final approval. Gates and Carlson had reviewed this on 11 April. Motion was made by Dreyer to approve it. Cordes seconded and the vote was approved.

3. Selectmen reviewed the May Newsletter. Some changes were made to the Parks & Recreation article by removing the pricing information for banners and fence pickets. Some additional public hearing information was discussed and will also be added, to include the Barn Discretionary Easement.

4. Selectmen reviewed the folder of incoming correspondence.

5. 2007 abatements processed by Assessor:

a. Richard and Carol Olson

16 Tarah Way

03-002.002.04B

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Subject is a modular home on a leased site which was purchased in November 2006. The reason for abatement request was applicant's opinion regarding inconsistent assessments within this neighborhood. All information provided was reviewed and it appears that differences in assessment are due to subject having larger than most garage size, deck and porch. Assessor inspected the subject and the physical data was determined to be accurate. Other properties will be reviewed and any discrepancies corrected. With consideration for subject sale in November 2006 for \$239,482 along with Town's assessment to sale ratio, the Assessor recommends that no adjustment to the current \$212,500 assessment is appropriate. As such it is recommended that abatement request be denied.

Dreyer moved to accept the Assessor's recommendation and deny the abatement. Cordes seconded and the vote was unanimously approved.

b. Robert & Shannon Bryant 844 Main Street 02-034.001

Subject is a ranch style home on a 2.05-acre parcel. The main reason for the abatement is due to the increase in taxes as well as hardship and misfortune. Letter attached with application provides specifics and is provided. Assessor viewed the subject and found no items of discrepancy. As this is the case and no evidence of value has been provided, it is the Assessor's opinion that no adjustment is appropriate to the assessment. As such it is recommended that abatement application be denied.

NOTE: Board may decide to table abatement recommendation and request additional income and expense information from the applicants in order to determine if abatement due to hardship/inability to pay is appropriate.

Selectmen discussed this application at length. The form is primarily an abatement request based on increasing taxes over the years, which was not substantiated by the taxpayer in terms of inequitable value. Selectmen reviewed the history of taxes paid on the property, but this information is not relevant to its value. The Board said the Assessor's findings are that the property is not inappropriately assessed. The Board discussed a letter to be sent out to the homeowners in reply, along with the abatement form.

Dreyer moved to deny the abatement request based on the Assessor's recommendation. Cordes seconded and the vote was approved.

This led to a discussion of criteria to be used for hardship applications (outside of the regular abatement process), and the type of information the Board would request on new applications. Carlson discussed making up an application form, and the Board said the type of items they would want for review in conjunction would include a tax return, equity in the home, a current mortgage statement, savings and checking account (or other banking) records, retirement accounts, cash value of insurance policies, and a listing of vehicles. Additionally information will be added to the application form that indicates this process is completely at the discretion of the Board of Selectmen, and that when an individual asks to have their taxes lowered, the remainder of the taxpayers have to pick up the burden.

6. Carlson discussed with the Board a recent mailing about a UNH / NHMMA / NH LGC fellowship program which pairs graduate students looking for careers in local government with municipalities for a meaningful internship experience. Carlson had talked with Meredith Bolduc about this, to be able to include Planning and Zoning matters (such as Master Plan Chapter updates) as part of the experience. The Selectmen thought this was a great idea and encouraged Carlson to apply on behalf of the Town, listing out additional projects that could be worked on as well.

7. Selectmen reviewed a request for proposal drafted to cover painting work at town buildings. It includes repainting the Meetinghouse, the West corner of the Library, doors at the Complex, and the new

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basement door at the Town Hall. Selectmen agreed that each should be priced separately in case there was not enough money to complete all of the work.

8. Selectmen reviewed the Board's May meeting schedule, which also needs to be reviewed by Gates. It looks now like Thursdays in May are all clear.

At 7:45 pm Tax Mapper Don Dollard, Planning Board Chair Roger Barham, and Rockingham Planning Commission (RPC) Representative Rob Pruyme met with the Selectmen to discuss the matters related to information on the Town's tax maps.

Barham said initially that this discussion began as the Planning Board worked with the NRI maps; and began with a discussion about the map itself and the fact it contains the parcel data. This parcel data is copyrighted by Dollard Associates, making all the GIS information related to parcel data inaccessible to the Town for distribution. Barham had wanted to use the map data in a ".pdf" form to make our maps available on the internet.

Barham explained that his primary concern is in dealing with Town data, and he wondered about the ownership of it. He has the understanding that Dollard Associates digitized them and there is a copyright attached to the electronic version of the Town's parcel data. Barham said he had an issue about a public record that is information paid for with Town funds, and whether or not a copyright applies to it.

Dollard said that the copyright issue came about primarily because of an outside individual who does research for mortgages and whatnot, who had insisted under the Right-To-Know law that they be provided with a disk. That Town Attorney then asked what type of contract they had (Chester); which Dollard termed a gentlemen's agreement at that time. The Town Attorney then devised the contract that he had, that the town has a disk they can reproduce for in-house use, paper copies, but the disk is Dollard's property generated by his firm, the data and the disk belonging to Dollard Associates. This is the same contract now used in Fremont. For many years we also had no contract, but a "gentlemen's agreement" with Dollard.

Dollard said he now does 21 towns with this same contract. He said he is just starting Henniker (no signed contract yet) ; and he gave them the sample contract, which was reviewed by their counsel Bart Mayer of the Upton firm in Concord, who is well known in municipal law. The Attorney said that Dollard could get started on the Town's work anyway in the interim. Attorney Mayer then came back to Dollard today and said that it is Dollard's product and he advised the Town of Henniker there was no problem with them signing the contract.

Dollard said to think about the fact that they have generated the information, and that to simply give it away gives an unfair advantage to any of his competitors. He said he does sell his copyright for single user permission without issue, at a comparable price of \$200 per user license. He said he has a good and longstanding relationship with RPC and the mappers there.

Cordes asked what happens if Dollard sells his company, which might mean he sells his copyright. Dollard said he had not considered this, but did not want to hurt the towns in any way.

Pruyme said he has a professional relationship with Dollard and they have worked well together. He offered that one suggestion in the RPC office was a clause in the contract with Dollard that would allow the removal of the copyright just for town use.

Cordes then asked if he understood it, that Dollard is willing to provide it to clients on a case by case by agreement basis and will sell the Town data and the Town is not allowed to share it with anyone without

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express written consent of Dollard, including that we can print out updated printed material that we have on hand. This is correct according to Dollard.

Pruyme said he has been generous in the respect of RPC working with other agencies in allowing them to do that. He added that there are two laws on the books with regard to GIS data, and neither makes a clear indication of what you have to do. He said that data is data and if it is paid for by public dollars, it is pretty much freely available.

Barham had a list of all the towns in Rockingham Planning Commission's catchment area and their tax map data, and how available it was. Only towns mapped by Dollard Associates are not available electronically.

Barham said that as a Utility Engineer he can get access to the parcel data from virtually any community.

Barham said that Dollard Associates is not the norm when it comes to having the information available, and referenced an RPC GIS Services Policy dated March 2005, and what and how they provide GIS services. One can only get parcel data for towns other than those copyrighted by Dollard.

In a small town such as Fremont, we outsource the tax map and parcel data to digitize our maps and maintain them, because we do not have the resources to do it in-house.

Barham questioned the process as to how we can pay Dollard for services, and said that he would expect that the Town would retain ownership of that data that we have paid for. It is unclear at this time if the Town signed a contract for the scope of work of digitized tax maps, but it is not believed we did.

There was discussion about case law settling the matter, and no one wanted the matter to take that avenue. Barham expressed his desire to make the data more widely available.

Cordes said thank you to everyone for coming and airing their thoughts in a calm and collected manner. It was clear that everyone wanted some solution to the matter.

Dollard said that he does not want to be hard-nosed about it and did not want to be a problem. He said he has 9-10 towns in Rockingham County and has excellent relationships with all 21 towns he does mapping for. He does not want to worry about someone else altering his data, that would still have his name on it, which is what happened initially to have him take the copyright route.

Selectmen said they had more to think about. Cordes said that from a planning process, we want to have the data readily accessible to keep things moving forward.

A follow-up meeting will be scheduled in June.

Dollard, Barham, and Pruyme left the meeting at 8:35 pm.

NEW BUSINESS CONTINUED

9. Selectmen discussed adding the NH SPACE program website as a link from the Selectmen's Page, as a State program providing information on current use in NH. Motion was made to authorize adding this website link from the Town's page by Dreyer. Cordes seconded and the vote was unanimously approved.

10. Within the mail folder was a letter of resignation from Selectman Joe Dreyer. This led to a lengthy discussion about the time the Dreyer's have spent working with others in the community, and Dreyer's

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time on the Board of Selectmen and School Board. He has been offered an opportunity too good to pass up and is immediately relocating to the Bahamas. His letter is effective at the end of April.

The Board drafted a Press Release and information to be posted and put in the newsletter regarding recruitment for a replacement.

11. Selectmen reviewed an RFP for painting work at Town Buildings. It was updated and each area will be done as a separate project so that if there are not sufficient budgeted funds, certain portions can be chosen. This will also go in the May Newsletter.

12. Selectmen reviewed and signed the Field Use Agreement and Concession Stand Use Agreement for 2008 between the Town and the FAA.

13. Selectmen reviewed a Yield Tax Warrant and Certification – total amount of \$1,939.93 on parcels 02-150 (\$768.36) and 01-063 (\$1,171.57). With all in order, Dreyer moved to approve and sign the certification and warrant. Cordes seconded and the vote was unanimously approved.

14. Selectmen considered a letter from Attorney Keri Marshall regarding an abatement for misfortune on parcel 02-156.001.012 for interest. The Board discussed this at length and decided not to grant the abatement. They roughed out a draft letter to be prepared to the attorney representing the homeowner, which will be prepared for next week.

15. Selectmen reviewed an Intent to Cut for the 2008-2009 tax year on the Lourette property on Sandown Road, parcel 01-005. Dreyer moved to approve the Intent. Cordes seconded and the vote was unanimously approved.

16. The Energy Committee met on Tuesday evening. Their next meeting is scheduled for Tuesday May 20, 2008 at 7:00 pm at the Town Hall. Cordes reported on updates from the meeting, including discussions about schools and school renovations and new construction and energy savings possibilities. There is a group (the Jordan Institute) that for \$50 will come out and do an assessment. If they get the students involved in the process, they will do it for nothing. Jeff Rowell was at the meeting representing the School Board.

The Jordan Institute will also do municipal buildings and the Committee has discussed the renovations of the Town Hall, particularly the heating system, as a place to be able to put additional energy-saving measures in place.

NEXT WEEK

The next regular Board meeting will be held on Tuesday April 22, 2008 at 6:00 pm.

With no further business to come before the Board, motion was made by Dreyer and seconded by Cordes to adjourn the meeting at 9:45 pm.

Respectfully submitted,

Heidi Carlson
Town Administrator